



CWP-15850-2026

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CNR NO: PHHC010819632026**CWP-15850-2026**

Date of decision: July 20, 2026

BALDEV SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.K. Bishnoi, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

1. The instant petition has been instituted under Article 226 of the Constitution of India seeking setting aside of the order dated 25.03.2026 (Annexure P-2), passed by the respondent No.2, authority under the Minimum Wages Act, 1948. A further prayer has been made to remand the matter back to the authority concerned, for making a fresh adjudication.

2. Learned counsel for the petitioner *inter alia* contends that the impugned order has been passed ex-parte without affording the petitioner an effective opportunity of hearing, inasmuch as the summons/notices issued to the petitioner were never validly served upon him. It is pointed out that the report dated 10.06.2023 (Annexure P-3) merely records that the petitioner was not found at home, without disclosing any further attempt at service, and the subsequent report dated 30.10.2023 (Annexure P-4), though



purporting to record that the petitioner's wife was informed, does not disclose the name of the person stated to have been served, nor does it establish that the said person was in fact the petitioner's wife or a person otherwise competent to receive service on his behalf. It is submitted that beyond the aforesaid two reports, no further notice was issued, no dasti service was attempted, and no publication was effected, before the Authority proceeded to decide the claim petition ex-parte.

3. It is further submitted that the petitioner has a substantial defence to the claim on merits. It is contended that the claim petition itself was presented through one Malook Singh, styling himself as advisor of an unregistered union, who is stated to be a stranger to the facts of the case; that the claim petition suffers from internal inconsistencies as to the nature and quantum of the claim; that no evidence of the work said to have been rendered, nor the value of the produce, was placed on record; and that the impugned order does not reflect any independent appreciation of the claim petition or the material said to support it, the claim having been accepted solely on the ex-parte statement of the claimants. It is submitted that these are triable issues going to the very existence of the employer-employee relationship, which the petitioner was denied an opportunity to contest.

4. Heard learned counsel for the petitioner and perused the case record.

5. A perusal of the report dated 30.10.2023, on the basis of which the petitioner was proceeded against ex-parte, does not identify the person served, nor does it establish, in any verifiable manner, that intimation was in fact conveyed to the petitioner or to a person duly authorised to receive such



intimation on his behalf. An adverse pecuniary order of the present magnitude ought not, ordinarily, to be sustained on the strength of service that is silent on so basic a particular as the identity of the person served. It is a well settled principle that no person ought to be condemned unheard, and that the requirement of due service is not a mere formality but lies at the heart of a fair opportunity of hearing.

6. This Court is not required to, and does not, express any opinion on the rival contentions touching the merits of the claim, including the question whether the relationship of employer and employee is established, or the correctness of the computation made in the impugned order. Those are matters which squarely fall within the domain of the Authority under the Minimum Wages Act, 1948, and are best left for adjudication by it upon contest, rather than being examined for the first time in these proceedings under Article 226 of the Constitution. At the same time, it cannot be lost sight of that respondent Nos. 3 and 4, who succeeded before the Authority on an unopposed record and who have now been compelled to contest the present proceedings on account of a lapse in service that is not attributable to them, ought not to be left to bear the resultant inconvenience and expense without compensation.

7. In the above facts and circumstances, without expressing any opinion on the merits of the rival claims, this Court is of the considered view that the ends of justice would be sufficiently met by setting aside the impugned order and remanding the matter to the Authority for fresh adjudication, subject to the petitioner making good the costs occasioned to

respondent Nos. 3 and 4 and subject further to the conditions recorded hereinafter.

8. Accordingly, the present writ petition is disposed of in the following terms:-

- (i) The impugned order dated 25.03.2026 (Annexure P-2) passed by respondent No.2 Authority under the Minimum Wages Act, 1948, Sirsa Area, Sirsa, is set aside and the matter is remanded to the said Authority for a fresh decision on merits, after affording one effective opportunity of hearing to the petitioner as well as respondent Nos. 3 and 4. Both parties shall be at liberty to file such pleadings and lead such evidence as may be permissible in law.*
- (ii) The aforesaid indulgence is granted subject to the petitioner depositing costs of 20,000/- with the Authority, to be disbursed equally to respondent Nos. 3 and 4, on or before the first date of appearance mentioned hereinbelow. In the event of default in deposit of the said costs within the stipulated period, this order shall stand automatically vacated and the impugned order dated 25.03.2026 shall revive, without any further reference to this Court.*
- (iii) The petitioner shall appear before the Authority on 13.08.2026, on which date the petitioner shall also file his written reply/defence to the claim petition. Thereafter, the Authority shall proceed with the matter expeditiously and shall endeavour to decide the same, preferably within a period of four months therefrom, without granting unnecessary or unwarranted adjournments to either party.*
- (iv) All rights and contentions of the parties, including on the question of maintainability of the claim petition, the existence or otherwise of the relationship of employer and employee, and the quantum of wages, if any, payable, are left open to be urged before and adjudicated by the Authority, uninfluenced by any observation made in this order, which has been confined to the question of service and opportunity of hearing alone.*

9. Pending miscellaneous application, if any, shall stand disposed of accordingly.

July 20, 2026

Ithlesh

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No

(KIRTI SINGH)
JUDGE